

SENATE AMENDMENTS

2nd Printing

By: Flynn

H.B. No. 2612

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibitions and restrictions on using county roads in
3 certain circumstances.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Section 251.157, Transportation
6 Code, is amended to read as follows:

7 Sec. 251.157. PROHIBITING OR RESTRICTING USE OF ROAD.

8 SECTION 2. Sections 251.157(b), (c), (e), and (f),
9 Transportation Code, are amended to read as follows:

10 (b) A road supervisor may prohibit or restrict, if an
11 alternative, more suitable road is available within the county at
12 the time, the use of a road or a section of a road under the
13 supervisor's control by any vehicle that will unduly damage the
14 road when:

15 (1) because of wet weather or recent construction or
16 repairs, the road cannot be safely used without probable serious
17 damage to it; or

18 (2) a bridge or culvert on the road is unsafe.

19 (c) Before prohibiting or restricting the use of a road
20 under this section, the road supervisor shall post notices that
21 state the road and the expected duration of the prohibition or
22 restriction, and identify the alternate route [~~maximum load~~
23 ~~permitted and the time the use of the road is prohibited~~]. The
24 notices must be posted at locations that enable drivers to detour to

1 avoid the restricted road.

2 (e) If the owner or operator of a vehicle that is prohibited
3 or restricted from using a road under this section is aggrieved by
4 the prohibition or restriction, the person may file with the county
5 judge of the county in which the restricted road is located a
6 written complaint that sets forth the nature of the grievance. On
7 the filing of the complaint the county judge promptly shall set the
8 issue for a hearing to be held not later than the third day after the
9 date on which the complaint is filed. The county judge shall give
10 ~~to~~ the road supervisor, the county engineer, and the
11 commissioners court written notice of the date and purpose of each
12 hearing.

13 (f) The county judge shall hear testimony offered by the
14 parties. On conclusion of the hearing, the county judge shall
15 sustain, revoke, or modify the road supervisor's decision on the
16 prohibition or restriction. The county judge's judgment is final
17 as to the issues raised.

18 SECTION 3. Subchapter E, Chapter 251, Transportation Code,
19 is amended by adding Section 251.1575 to read as follows:

20 Sec. 251.1575. PROHIBITING USE OF ROAD FOR CERTAIN
21 VEHICLES. (a) A commissioners court may identify an alternate
22 route to a road and require heavy vehicles to travel the alternate
23 route in order to prevent excessive damage to the road due to the
24 volume of traffic by heavy vehicles. An alternate route identified
25 under this subsection must be:

26 (1) of sufficient strength and design to withstand the
27 weight of the vehicles traveling the alternate route, including any

1 bridges or culverts along the road; and

2 (2) located within the same county as the road
3 described by this subsection.

4 (b) Notice of the prohibition must be provided in the same
5 manner as for a prohibition or restriction under Section 251.157.

6 (c) A person who is required to operate or move a vehicle or
7 other object on an alternate route identified under this section is
8 not liable for damage sustained by the road, including a bridge, as
9 a result of the operation or movement of the vehicle or other
10 object, unless the act, error, or omission resulting in the damage
11 constitutes:

12 (1) wanton, wilful, and intentional misconduct; or

13 (2) gross negligence.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

FLOOR AMENDMENT NO. 1

Atany Spaul
Secretary of the Senate

BY: *Donnell*

1 Amend H.B. 2612 (senate committee printing) by striking
2 Section 3(a) (page 2, lines 1-5) and inserting the following:

3 (a) A commissioners court may identify an alternate route
4 to a road and require heavy vehicles having a gross weight of
5 more than 60,000 pounds to travel the alternate route in order
6 to prevent excessive damage to the road due to the volume of
7 traffic by such heavy vehicles. An alternate route identified
8 under this subsection must be:

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2612 by Flynn (Relating to prohibitions and restrictions on using county roads in certain circumstances.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 251 of the Transportation Code to provide that a road supervisor may prohibit or restrict the use of a road or a section of a road by a vehicle that will unduly damage the road under specified circumstances, if an alternative, more suitable road is available within the county at the time. A person required to operate or move a vehicle or other object on an alternate route would not be liable for damage sustained by the road, including a bridge, unless the act or omission resulting in the damage constitutes wanton, willful, and intentional misconduct; or gross negligence.

Local Government Impact

There could be a negative fiscal impact to a county for damage caused to a road or a bridge by a motor vehicle operator that is required to use an alternate route under specified circumstances; however, the amounts would vary depending on the amount of incidences, and road or bridge repair costs incurred.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2612 by Flynn (Relating to prohibitions and restrictions on using county roads in certain circumstances.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 251 of the Transportation Code to provide that a road supervisor may prohibit or restrict the use of a road or a section of a road by a vehicle that will unduly damage the road under specified circumstances, if an alternative, more suitable road is available within the county at the time. A person required to operate or move a vehicle or other object on an alternate route would not be liable for damage sustained by the road, including a bridge, unless the act or omission resulting in the damage constitutes wanton, willful, and intentional misconduct; or gross negligence.

Local Government Impact

There could be a negative fiscal impact to a county for damage caused to a road or a bridge by a motor vehicle operator that is required to use an alternate route under specified circumstances; however, the amounts would vary depending on the amount of incidences, and road or bridge repair costs incurred.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 30, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2612 by Flynn (Relating to prohibitions and restrictions on using county roads in certain circumstances.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 251 of the Transportation Code to provide that a road supervisor may prohibit or restrict the use of a road or a section of a road by a vehicle that will unduly damage the road under specified circumstances, if an alternative, more suitable road is available within the county at the time. A person required to operate or move a vehicle or other object on an alternate route would not be liable for damage sustained by the road, including a bridge, unless the act or omission resulting in the damage constitutes wanton, willful, and intentional misconduct; or gross negligence.

Local Government Impact

There could be a negative fiscal impact to a county for damage caused to a road or a bridge by a motor vehicle operator that is required to use an alternate route under specified circumstances; however, the amounts would vary depending on the amount of incidences, and road or bridge repair costs incurred.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 6, 2013

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2612 by Flynn (Relating to liability for damage to a county road.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Chapter 622 of the Transportation Code to provide that a motor vehicle operator or owner who causes damage to a county road or bridge is not limited by the weight exceptions, and would be liable to the county only for the actual damage caused by the operation of the vehicle in excess of the limitation.

Local Government Impact

There could be a negative fiscal impact to a county related to the limited liability by a motor vehicle operator or owner for damage to a county road; however, the amounts would vary depending on the amount of incidences and road or bridge repair costs incurred.

Denton County indicated that although there have been extensive oil and gas well drilling and servicing in Denton County during the last decade, the county has a very limited history of attempting to collect from the individuals or companies that cause damages to county roads for those activities. Tom Green County indicated that the county is anticipating a significant increase in oil and gas well drilling activity in the near future, but does not have plans to limit the weight on roads at this time. The counties added that provisions of the bill would not likely cause an increase or a decrease in the county's efforts to enforce the current liability and recoup expenses for repairs to county roads damaged by overweight vehicles; therefore, no fiscal impact is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: UP, AG, TP